

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 6527 of 2007(B)

CRIME NO.549/06 OF SASTHAMCOTTA POLICE STATION

PETITIONER:

RATHEESH, S/O.JANARDHAN NAIR,
AGED 22, AMPAZHIAVELIL VEEDU,
IVERKALA EAST, KUNNATHOOR TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.T.S.JOHN
SRI.M.S.RADHAKRISHNAN NAIR

RESPONDENTS:

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1. STATE OF KERALA, (THE SUB INSPECTOR OF
POLICE, SASTHMCOTTA), REPRESENTED BY
STATE PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
 2. THE CIRCLE INSPECTOR OF POLICE,
SASTHAMCOTTA, KOLLAM DISTRICT.
 3. THE SUPERINTENDENT OF POLICE,
KOLLAM.

BY GOVERNMENT PLEADER SRI.S.U. NAZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

R. BASANT, J.

W.P.C.No. 6527 of 2007 B

Dated this the 8th day of June, 2007

JUDGMENT

The petitioner has come to this Court complaining about the inaction by the police on a complaint lodged by him about an incident on the night of 13.11.2006. Ext.P2 is the complaint. The petitioner has a case that later about the same incident complaints had been raised by others also before various authorities. In short the grievance is that no F.I.R. has been registered on Ext.P2 complaint.

2. Notice was given to the learned Prosecutor. A statement has been filed. The short contention raised is that Ext.P2 does not reveal the commission of any cognizable offence. The learned Prosecutor submits that a careful reading of Ext.P2 must convey that it was only an innocuous wordy altercation between neighbours about the right of way and the attempts to make or develop a pathway. The learned Prosecutor asserts that Ext.P2 does not reveal the commission of any cognizable offence to justify registration of an F.I.R. on the basis of Ext.P2.

3. I have read and re-read Ext.P2. I am in agreement with the learned Prosecutor that at worst the only reasonable conclusion that is possible from the assertions and recitals in Ext.P2 is that there was a dispute about a way and there was a wordy altercation between the rivals. At any rate, for not registering a crime on the basis of Ext.P2, I am satisfied that the respondents cannot be found fault with. Nor can the extra ordinary inherent jurisdiction available to this Court under Section 482 Cr.P.C. or under Article 226 of the Constitution be invoked against the respondents on that score.

4. This writ petition is accordingly dismissed.

(R. BASANT)
Judge

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R. BASANT, J.

W.P.C.Nos. 6527 of 2007

Dated this the 27th day of February, 2007

ORDER

The short grievance of the petitioner is that no action has been taken on Ext.P2 complaint filed before the Sub Inspector on a complaint acknowledged by the Circle Inspector under Ext.P3 and Ext.P7 complaint sent to the Superintendent of Police. The learned Prosecutor takes notice on behalf of respondents 1 to 3. He shall take instructions. Call on 13.3.2007.

W.P.C.No. 6527 of 2007

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(R. BASANT)
Judge

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